

SOLON TOWNSHIP PLANNING COMMISSION

Tuesday, October 5, 2021, 7:00pm

Solon Township Hall

9191 S. Kasson St., Cedar, MI 49621

I. Call Meeting to Order/Pledge of Allegiance

Chair Morgan called the meeting to order at 7:00pm with the Pledge of Allegiance and a moment of silence.

II. Roll Call/Guest Sign-in

Present: Al Laskey, Member; Steve Morgan, Chair; Meg Paxton, Member; Lisa Rossi, Member; Samantha Vandervlucht, Member; Todd Yeomans, Vice Chair/ZBA Rep and Steve Yoder, Township Board Rep

Guests: Kelly Claar, Corey Flaska, Scott Flaska, Judy Janosik, Beth Knapp, Julie Kradel, Jim Lautner, Mary O'Neill, Kimberly Pugliese, Charlie Smith and Karen Smith.

III. Motion to Approve Minutes – September 7, 2021

Chair Morgan asked for a motion to approve the September minutes as presented.

Changes to the minutes reported: *Confirmed the use of workarounds on page three, paragraph two; add "to be" before incorporated on page three, paragraph three, line three; and on page four at the second paragraph from the bottom add "she" before "has never."* Laskey moved to approve the September 7, 2021, minutes as amended; Yoemans seconded. All present in favor, motion carried.

IV. Agenda – October, 2021

Chair Morgan asked for a motion to approve the September agenda with the addition of New Business, A, Survey. Laskey moved to approve the October 5, 2021, agenda as amended; Rossi seconded. All present in favor, motion carried.

V. Correspondence –None.

VI. Public Comment(three minutes per person unless extended by Chair) – Kimberly Pugliese stated that the planning commission needs to be aware that at the Solon Twp board meeting the fire department budget was approved with a 15 percent increase and that with no growth plan in Solon Township there will have be another millage. Pugliese advised that no growth is allowed as "you cannot flush the toilet." Pugliese reported that she feels that the growth will not be in downtown Cedar and the planning commission needs to talk about this issue.

No further comments at this time.

- VII. Conflicts of Interest** – None reported at this time.
- VIII. Reports**

Township Board Rep: Yoder reported on the following issues from the Township Board September 9, 2021, meeting:

- Grant will cover two boat launch stations, one in Cedar and the second in Lake Leelanau
- Ten percent increase in 22 to 23 and another five percent increase in 23 for 24 in the Cedar Fire Department budget
- Cedar Water Way project which is set for 12 buoys at the mouth of river with no amount determined yet and a video presentation detailing the work to be completed
- Township Board wants the planning commission to talk about Flaska density project. Cypher advised will discuss during his report.
- Laskey confirmed the budget increase figures for the fire department. Discussion followed. Yoder reported that ALS is kicking in and that this has been figured in with the higher millage

ZBA Rep: Yeomans advised nothing to report at this time.

Zoning Administrator: Cypher reviewed the August report at this time sent to planning commission members via email prior to this meeting. Cypher advised the September report is not available yet.

Cypher reported that the court has set a settlement conference date of March 14, 2022, with a trial date on April 5, 2022, for the Delmoupied issue. Cypher advised that he and the attorney were working on a settlement that was rejected by Mr. Delmoupied. Discussion followed on the Zoning Board of Appeals (ZBA) previous meeting that since there was a hog farm; a 50-foot setback is needed. Cypher advised that he will send out the minutes from that ZBA meeting. More discussion ensued with Cypher reporting that Delmoupied's request being denied.

Cypher reported that housing density is on the agenda tonight, along with last month as directed by the Township Board. Cypher advised that the high density will depend on the whether the new ordinance is accepted.

IX. Public Hearing –None

- a. Open Public Hearing by chair and Presentation by Applicant
Yoder moved to close regular meeting and open the public hearing at 7:30pm;
seconded by Rossi. All present voting aye, motion carried.

Cypher advised that the public notice was published in the newspaper three times with no 300 foot letters being sent as this is a township wide issue. Cypher reviewed the changes proposed in the draft ordinance provided at tonight's meeting to the public. Cypher stated the draft ordinance will also be provided online. Cypher advised the public hearing tonight is for public comments about thoughts on the

ordinance changes. Cypher stated that he commends the planning commission for all the work and effort with many challenges and their due diligence of the rewrite.

b. PC Questions / Discussion with Applicant – None

c. Staff Comments (ZA/Planner) – See a.

d. Public Comment (limited to three minutes per person unless extended by chair)

Corey Flaska – Leelanau Construction/Local resident – reports that he has a few concerns with the new ordinance that right now clearly stops residential development until the master plan is updated. Flaska stated there is no other opportunity to ask for high density changes with the biggest development right now on one acre lots. Flaska advised he feels it is really important if Solon Township wants any growth or development that the Planning Commissioners work hard on Master Plan to address the density requirements.

Flaska stated that he is fine with the site plan review and thinks asking for higher density should come before having to submit a full site plan. Flaska advised he feels there should be an opportunity to ask for a density variance before a developer has to spend \$40,000 on submitting the site plan.

Julie Kradel asked a question is whether political signs or free speech are part of the removal after 30 days, plus there is nothing about flags and banners in the sign ordinance. Kradel stated she feels that obscenities need addressed as it doesn't build a cohesive community.

Jim Lautner advised that the ordinance stated that a building cannot be over 35 feet tall and what will happen if a 70 foot silo is needed for farming. Lautner reported that a lot of townships put in "or as required." Lautner stated that the landscaping ordinance "just is too much."

Mary O'Neill stated that the standards are just suggestions and outlines of how things could be, not necessarily put in stone, with at times being waived. O'Neill advised that if the township has higher standards, the township will attract businesses with higher standards

Linda Ackley asked about a special use permit for a work/lived space, which is quite common in cities, and wonders if this idea is a possibility.

Warren Fuller asked if he missed anything or will short-term rentals be covered in the Master Plan.

Beth Knapp advised she has two grown children and would like to give them a plot of land as they want to build on the other four acres and is there any chance of this happening.

Pugliese stated she commends everyone and appreciates all of you for the hard work and she knows that it is not easy. Pugliese asked if the landscape ordinance has been

“costed out” and is it realistic. Pugliese asked if short term rentals include air B&Bs. Pugliese stated that some research on the status of any development in Cedar needs to be undertaken as there is not any growth ability in the Village of Cedar.

e. Applicant’s Response to Public Comment, directing statements to PC – Yeomans addressed that the planning commission members know that anything commercial cannot be added in Cedar as the village is built on a swamp with all houses in the back. Yeomans advised the Village of Cedar needs to be out of the equation for growth at this point.

Cypher reported on Cedar as it relates to health department requirements with the township having hired a firm to do a new feasibility study on a sewer system. Cypher advised that Vlees and Vanderbrink have all the files to help them process and they will be back in October or November. Cypher reported that the health department is just doing their job with the changes requiring a variance which is “an uphill battle.”

Cypher advised that the standards are different for private roads, with the zoning administrator and planning commission being aware.

Cypher reported that the township can only regulate size not content of signs, with the need to follow the Supreme Court freedom of speech ruling.

Cypher reported on section 4.09 that the fire department regulations require that no building or structure can be over 35 feet unless allowed by applicable building and fire safety codes with anything AG related being allowed due to right-to-farm.

Cypher advised the landscaping ordinance is a dramatic change from what the ordinance previously stated. Cypher advised that a lot of this can be worked out in a preliminary meeting prior to submitting an application.

Cypher advised Ackley that the ordinance has home occupations in every zoning district except for business zoning district. Discussion followed with Ackley on what her need is for a work/lived space. Cypher advised that the ordinance states now that a combination structure is allowed as long as the living area is on the second floor provided that there is on-site parking for two vehicles (e.g. section 11.03.8).

Cypher advised that as the legislation in Michigan is voting to allow short-term rentals to be zoned as residential without a special use permit, legal counsel has advised to wait on putting something in place by the township until the state makes a decision. Cypher reported that the township still has ability for nuisance complaints. Fuller clarified with Cypher how nuisance complaints are defined or enforced.

Cypher reported that a variance was granted for the initial land division, which used to be a 10 acre minimum, to accommodate your tier of family, not children. Cypher advised that the variance restricted any further divisions until the zoning ordinance

was change to a five-acre minimum almost 15 years ago. Cypher stated that until the zoning changes in AG/Conservation, which is five acres, there is no option unless that zoning is changed.

Cypher advised that currently B&Bs are regulated, in that if someone is renting parts of their house out and it is owner occupied, it is illegal without approval from the township. Cypher stated that if entire house is being rented out, historically over the decades, as long as they are living up to the intent of single family use, this is allowed.

f. PC further discussion with staff (if required) –
Yeomans asked if land owners could put in change from AG/Conservation to AG/Residential, which Cypher advised would be spot zoning.

Laskey advised Cedar can only go North and South because no matter what the Village of Cedar does, the water table is too high. Discussion followed. Cypher advised that the business district could be extended with Laskey advising he doesn't see any more B2 close to Cedar any longer.

Ackley confirmed with Cypher that the land use map will be updated with the Master Plan Review which is on the agenda.

Pugliese clarified with how much is really available for growth in Cedar with the zoning administrator advising this is preliminary and nobody knows the costs and timing.

Laskey stated that Cedar in the past 60 years has had less than 12 new buildings and a couple of buildings were torn down. Discussion followed. Laskey advised that Cedar has grown smaller in last 60 years.

g. Close Public Hearing by Chair –
Chair Morgan requested a motion to close the public hearing. Yoder moved to close public hearing at 8:17pm; Paxton seconded. All present in favor; motion carried.

h. Findings of Fact – Deliberations with PC members/questions of applicant if needed –
Yoder clarified with Cypher the question of density being completed before a site plan review. Cypher advised the density is all part of the review process with the review requiring that that other agencies be involved to determine what type of density (e.g. health department) if language in Master Plan supports. Discussion followed. Cypher advised that an applicant is allowed to ask for a waiver.

i. PC Motions/Action –
Cypher recommended to the planning commissioners that they may want to make a motion to move forward the proposed ordinance changes along with comments from

this meeting to the Leelanau County Planning Commission for their input. Laskey moved to send the draft of the Solon Township Zoning Ordinance with comments from the public hearing tonight to the Leelanau County Planning Commission; seconded by Yoemans. All present in favor, motion carried. Yoder clarified with Cypher that the ordinance draft will move to the Township Board after the county planning commission reviews.

X. New Business

- A. Survey – Paxton reviewed the proposed layout of the survey given to the planning commission members at tonight’s meeting. Paxton stated she feels each section should have no more than five questions. Discussion followed on where the residential growth question should be.

Planning commissions are in agreement with the layout format in two colors proposed by Paxton. Discussion ensued about due date to return with planning commissioners in agreement for the due date to be January 30, 2022. Planning commission members are in agreement to use the parcel number from the tax bill as the name on the survey.

Extensive discussion followed on questions of each section of the proposed survey. Paxton advised that the land use and environment section needs three more questions. Planning commission members are in agreement to send any comments and suggestions for the survey to the zoning administrator by October 18, 2021. Cypher advised he will forward those to Paxton.

XI. Unfinished business

Chair Morgan tabled unfinished business discussion to the November planning commission meeting.

- A. Discussion on allowing Accessory Dwellings (Guest Houses)
B. Master Plan Review – Future Land Use Map – Housing Density in districts

XII. Other Items

- A. None

XIII. ZA/Planning Commission Comment – None.

XIV. Public Comment (three minutes per person unless extended by Chair) –

Fuller clarified with Cypher that the wind variance is a future issue with the ordinance.

Kelly Claar – Solon Township – suggested a question indicating people’s tolerance for alternative energy additions in the township. Claar asked if there is an option to drop off the survey so do not have to spend money on postage.

Claar had the following suggestions:

- A Historic District might be a big draw for the Village of Cedar
- Willing to provide suggestions for Open Space questions for survey

- Library would be great for Solon Township
- Thank you for freedom of speech change to sign ordinance.

Corey Flaska confirmed with Cypher that the master plan is on November's agenda. Yeomans advised that perhaps accessory dwellings needs to be taken off of the agenda for now as it is a survey question.

XV. Adjournment: There being no objection, Chair Morgan adjourned the meeting at 9:18pm

The next meeting is scheduled for Tuesday, November 2, 2021, at 7:00pm, at the Solon Township Hall.

Respectfully Submitted

Sandra Dunkin, Recording Secretary

Date Approved: